UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/973,037	10/10/2001	Motomu Toriyama	P21336	5057

7055   7590   10/07/2004

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EXAMINER
HOTALING, JOHN M

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/973,037	TORIYAMA ET AL.
	Examiner	**Art Unit**	
	John M Hotaling II	3713	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
      NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☒ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). *9/22/04*.

10. ☐ Other: _____

JOHN M. HOTALING, II
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's request for reconsideration filed 9/22/04 has been fully considered but is not persuasive. Applicant has previously amended claims to include the features of interrupted-game data, and character data. Applicant has also previously added "comparing only each piece of acquired information", the new language emphasized in italics. Per the first features, Examiner previously stated that the specific type of data saved in the memory card was not critically different and still maintains that Aoyama in view of Whiting teach saving game state data which can encompass all necessary data used in the game. The "data translation dictionary data ","interrupted-game data" and "character data" are all considered game state data that would be saved in the memory to preserve game progress. See column 3 and 4 of Aoyama where it specifically teaches that varying types of game data can be saved. With respect to the applicants assertion that page 14 in the specification spreads further light on what the above terms are actually defined as the examiner upon review of the specification and specifically page 14 only sees a listing of data types. Furthermore, Applicant requires that acquired information is saved, and Examiner does not see any distinguishing features of "acquired" information from "interrupted-game data" and "character data". Examiner believes the data are all acquired game data, thus game state data. Thus, the second feature, of comparing only certain data types is moot, since the requirement, as interpreted by Examiner, is comparing all game state data. Thus, the rejection is maintained..